

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

*MacLEAN et al*

Serial No. 08/776,350

Filed: April 18, 1997

For: TREATMENT OF CANCER USING HSV  
MUTANT



Atty. Ref.: 620-73

Group: 1642

Examiner: S. Unger

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JAN 4 - 2000

TECH CENTER 1600/2900

Assistant Commissioner of Patents  
Washington, DC 20231

Sir:

AMENDMENT

Responsive to the Official Action dated February 2, 1999, entry and consideration of the *H-15-00*  
following amendments and remarks are requested.

IN THE CLAIMS:

Please cancel claims 20, 22-30 and 32-42, without prejudice.

Add the following claims.

*C 1*

*Sc 3*

-- 43. A method of treating a metastatic tumor which occurs in but does not originate from the central nervous system of a human which method comprises the step of administering to the said human an effective amount of a mutant herpes simplex virus type I which has a non-functional  $\gamma$ 34.5 gene in the long repeat region ( $R_L$ ).